

REMARKS

Claims 1-36 are pending herein. By this Amendment, claims 23, 24, and 34-36 are amended to correct typographical errors. Independent claims 1, 33, and 36 are amended to more clearly recite that the container body is exterior to the cooler body. Basis for the amendment to the claims is found, for example, in the specification on page 10, lines 13-23, and the figures.

Accordingly, no new matter is added by this Amendment.

I. Allowable Subject Matter

Applicants gratefully acknowledge that the Patent Office has indicated that claims 3-4, 9-12, 14-15, 17-21, 23, and 26-32 include allowable subject matter that would be allowed if rewritten in independent form including all the limitations of the base claim and any intervening claims.

II. Rejection Under 35 U.S.C. §102(b)

Claims 1-2, 5, 25, and 36 are rejected under 35 U.S.C. §102(b) by the Patent Office for allegedly being anticipated by US Patent No. 5,839,738 to Ozark (hereinafter "Ozark"). Applicants respectfully traverse the rejection.

Ozark describes a modular cooler system for vehicles. The modular cooler system is a generally parallelepiped-shaped hollow body such that the hollow body has a bin chamber extending into the body from the open end. A hollow plastic storage bin is slidably engaged with the body for reciprocating movement with the bin chamber. (See, for example, claim 1; column 4, lines 14-16; and FIG. 2 of Ozark.)

In other words, Ozark describes a cooler having a storage bin that is contained within the cooler body; the storage bin being able to extend outwards from the interior of the cooler body when desired by an individual.

In contrast, independent claims 1 and 36 of the present invention recite a multipurpose cooler having “a basket connected with said cooler body for sliding between a fully extended position forming, with said cooler body, a basket cavity for storing and transporting items and a fully retracted position against an exterior of said cooler body.” (Emphasis added.)

In other words, the independent claims of the present invention claim that the basket is against the cooler body when in a retracted position. This means that the basket when in a retracted position is located against the outside walls of the cooler body. This is readily apparent and shown, for example, in Figs. 1, 9, 14, and 18 of the present specification. Nowhere does the present invention recite or identify that the basket may be contained or stored within the cooler body as described in Ozark.

Having the basket “surround” or be adjacent to the outer walls of the cooler body as in the present invention provides for great advantages. In particular, it allows for greater storage and/or carrying space. If the basket of the present invention fits inside or within the cooler body as in Ozark, no additional storage and/or carrying space is achieved. In the present invention, the cooler may be substantially filled and the basket may be extended to carry and/or store additional items without losing interior storage space.

In Ozark, however, when the storage bin is extended outward from the inside of the cooler body, no additional space is achieved. The storage bin of Ozark is nothing more than a sliding tray for easier access to items within the cooler. The present invention, however, allows for the addition of desired storage or carrying space without sacrificing any of the much needed interior storage space of the cooler body.

As Ozark fails to describe a basket against an exterior of the cooler body when in a retracted position as claimed in the present invention, Ozark fails to describe each and every aspect of the present invention.

As Ozark fails to describe each and every aspect of the independent claims of the present invention, Ozark fails to anticipate the presently claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

III. Rejection Under 35 U.S.C. §103(a)

A. Claims 6-8

Claims 6-8 were rejected by the Patent Office under 35 U.S.C. §103(a) for allegedly being obvious over Ozark in view of Examiner's Official Notice. Applicants respectfully traverse the rejection.

Claims 6-8 are dependent upon independent claim 1.

As set forth above, Ozark teaches a modular cooler system for vehicles. The modular cooler system is a generally parallelepiped-shaped hollow body such that the hollow body has a bin chamber extending into the body from the open end. A hollow plastic storage bin is slidably engaged with the body for reciprocating movement with the bin chamber. (See, for example, claim 1; column 4, lines 14-16; and FIG. 2 of Ozark.)

Thus, Ozark describes a cooler having a storage bin that is contained within the cooler body; the storage bin being able to extend outwards from the interior of the cooler body when desired by an individual.

In contrast, independent claim 1, and thus dependent claims 6-8, of the present invention recite a multipurpose cooler having "a basket connected with said cooler body for sliding between a fully extended position forming, with said cooler

body, a basket cavity for storing and transporting items and a fully retracted position against an exterior of said cooler body." (Emphasis added.)

Nowhere does Ozark teach or suggest that the storage bin may be against the exterior cooler body when in a retracted position. Ozark only teaches and shows a storage bin that, when in a retracted position, is storage within the cooler body. See, for example, FIG. 2 of Ozark.

The storage bin of Ozark is nothing more than a sliding tray or drawer that one might find in a bureau, a standard refrigerator, and/or kitchen cabinet. As the storage bin of Ozark is extended, the space filled by the storage bin when it was in a retracted position is filled by a void. The void left by the extended storage bin does not allow for additional storage space.

Rather, the storage bin is extended and/or retracted merely for convenience factors; i.e., the lid of the cooler need not be opened from the top each time. Not opening from the top of the cooler body each time may be advantageous when items or other coolers are stacked on top of the cooler body.

However, no additional space is granted by the extension and/or retraction of the storage bin of Ozark.

In contrast, the present invention recites that a basket cavity be against the cooler body when in a retracted position. As shown clearly in the associated drawings, the basket cavity is positioned on the outside of the cooler body such that when the basket cavity is extended, additional storage space is granted without sacrificing any interior cooler body space.

Nowhere does Ozark teach or suggest that a basket cavity be positioned against the cooler body when in a retracted position. Ozark teaches only a situation in which the storage bin is located inside the cooler body when retracted.

Further, Ozark teaches away from the present invention. Ozark teaches only the desire to cool "the contents of the cooler during storage." See, column 1, lines 44-51 of Ozark. The storage bin is meant only to allow more convenient access to the cooled items within the cooler. Nowhere does Ozark teach or suggest any need or desire to create additional storage space for a cooler system as in the claimed present invention.

Thus, as Ozark fails to teach or suggest the claimed present invention, Ozark fails to render the presently claimed invention obvious. Reconsideration and withdrawal of the rejection are respectfully requested.

B. Claim 13

Claim 13 was rejected by the Patent Office under 35 U.S.C. §103(a) for allegedly being obvious over Ozark in view of US Patent No. 6,315,149 to Conrado et al. (hereinafter "Conrado"). Applicants respectfully traverse the rejection.

Claim 13 is dependent upon independent claim 1.

As set forth above, Ozark fails to teach or suggest the presently claimed multipurpose cooler having "a basket connected with said cooler body for sliding between a fully extended position forming, with said cooler body, a basket cavity for storing and transporting items and a fully retracted position against an exterior of said cooler body." Instead, Ozark teaches a storage bin contained within a cooler body.

Conrado fails to remedy the deficiencies of Ozark.

Conrado was relied upon by the Patent Office as allegedly teaching a cutting board positionable on top of the cooler.

However, Conrado fails to teach or suggest the presently claimed multipurpose cooler having "a basket connected with said cooler body for sliding

between a fully extended position forming, with said cooler body, a basket cavity for storing and transporting items and a fully retracted position against an exterior of said cooler body" as recited in claim 1. As Conrado fails to teach or suggest the claimed invention of independent claim 1, Conrado also fails to teach or suggest the invention recited in claim 13 which is dependent on claim 1.

Thus, Applicants respectfully submit that Ozark and Conrado, whether taken singly or in combination, fail to teach or suggest the present invention.

Reconsideration and withdrawal of the rejection are respectfully requested.

C. Claims 16, 22, and 33-35

Claims 16, 22, and 33-35 were rejected by the Patent Office under 35 U.S.C. §103(a) for allegedly being obvious over Ozark in view of US Patent No. 5,407,218 to Jackson (hereinafter "Jackson"). Applicants respectfully traverse the rejection

Claims 16 and 22 are dependent upon independent claim 1. Claim 33 is independent and claims 34-35 are dependent upon independent claim 33.

As set forth above, Ozark fails to teach or suggest the presently claimed multipurpose cooler having "a basket connected with said cooler body for sliding between a fully extended position forming, with said cooler body, a basket cavity for storing and transporting items and a fully retracted position against an exterior of said cooler body." Instead, Ozark teaches a storage bin contained within a cooler body.

Jackson fails to remedy the deficiencies of Ozark.

Jackson was relied upon by the Patent Office as allegedly teaching an accessory holding device attachable to a cooler for holding various items.

However, Jackson fails to teach or suggest the presently claimed multipurpose cooler having "a basket connected with said cooler body for sliding between a fully

extended position forming, with said cooler body, a basket cavity for storing and transporting items and a fully retracted position against said cooler body” as recited in claims 1 and 33. As Jackson fails to teach or suggest the claimed invention of independent claims 1 and 33, Jackson also fails to teach or suggest the invention recited in claims 16 and 22 which are dependent on claim 1, and claims 34-34 which are dependent upon claim 33.

Thus, Applicants respectfully submit that Ozark and Conrado, whether taken singly or in combination, fail to teach or suggest the present invention. Reconsideration and withdrawal of the rejection are respectfully requested

D. Claim 24

Claim 24 was rejected by the Patent Office under 35 U.S.C. §103(a) for allegedly being obvious over Ozark in view of Jackson as applied to claim 16 above, and further in view of US Patent No. 6,474,097 to Treppedi et al. (hereinafter “Treppedi”). Applicants respectfully traverse the rejection.

Claim 24 is dependent upon independent claim 1.

As set forth above, both Ozark and Jackson fail to teach or suggest the presently claimed multipurpose cooler having “a basket connected with said cooler body for sliding between a fully extended position forming, with said cooler body, a basket cavity for storing and transporting items and a fully retracted position against an exterior of said cooler body” as recited in independent claim 1.

Treppedi was relied upon by the Patent Office as allegedly teaching a rod holder having an open end.

However, Treppedi also fails to teach or suggest the presently claimed multipurpose cooler having “a basket connected with said cooler body for sliding between a fully extended position forming, with said cooler body, a basket cavity for

storing and transporting items and a fully retracted position against an exterior of said cooler body” as recited in claim 1. As Treppedi fails to teach or suggest the claimed invention of independent claim 1, Treppedi also fails to teach or suggest the invention recited in claim 24 which is dependent on claim 1.

Thus, Applicants respectfully submit that Ozark, Conrado, and Treppedi, whether taken singly or in combination, fail to teach or suggest the present invention. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-36 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "David M. Lafkas", enclosed within a large, loopy oval shape.

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